

REMARKS

This amendment is intended to be responsive, with traverse, to the restriction requirement. Upon entry of this amendment, claims 32-40 and 73-86 will be pending. According to the division of groups set by the Examiner, Applicants assert that claims 32-38 and 40 are part of group IV, below and that claims 38 and 73-86 are part of group V, below. Applicants traverse the restriction requirement as a whole for reasons presented below, although claims of all groups other than groups IV and V are canceled solely to expedite prosecution (not for any reason related to patentability). Applicants particularly traverse the division between groups IV and V, and Applicants request rejoinder of these groups.

If the Examiner maintains the restriction as a whole, Applicants elect, with traverse, group V, in which case claims 38 and 73-86 will be presently examined.

No new matter has been introduced. New claims 73 – 86 are supported by the specification and originally filed claims generally. Specific examples of support may be found in original claim 39; at page 3, lines 7-8; at page 8, lines 27-28; and at page 26, line 10 – page 28, line 18.

Applicants reserve the right to pursue any of the canceled or amended claims in this or future applications.

Restriction Requirement:

The Examiner has required restriction between the following groups:

Group I, claims 1-9, drawn to a method of delivering an agent to arterial smooth muscle cells in a mammal, classified in class 514, subclass 1.

Group II, claims 10-25, drawn to a transgenic animal comprising an indicator gene and a method of using the animal, classified in class 800, subclass 3.

Group III, claims 26-31, drawn to a method of identifying an arterial smooth muscle cell in a tissue sample from a mammal, classified in class 435, subclass 4.

Group IV, claims 32-38, 40, drawn to a method of isolating an arterial smooth muscle cell from a tissue sample from a mammal and the isolated cell, classified in class 435, subclass 325.

Group V, claim 39, drawn to a method of screening for compounds that affect an arterial smooth muscle cell, classified in class 435, subclass 6.

Group VI, claim 41, drawn to a cDNA library produced from an arterial smooth muscle cell, classified in class 536, subclass 23.1.

Group VII, claims 42-44, drawn to an oligonucleotide encoding a targeting molecule, classified in class 435, subclass 320.1.

Group VIII, claims 45-48 and 60-64, drawn to a method of inducing expression of a polypeptide in arterial smooth muscle cells of a mammal, classified in class 514, subclass 44.

Group IX, claims 49-51, drawn to an ex vivo method of modifying arteries in a mammal by introducing arterial smooth muscle cells into the mammal, classified in class 424, subclass 93.1.

Group X, claims 52-59, drawn to a method of modulating angiogenesis in a mammal by administering a composition comprising an agent and a substance that binds to EphrinB2, classified in class 424, subclass 1.

Group XI, claims 65-70, drawn to a method of modulating angiogenesis in a mammal by administering to the mammal a substance that binds to EphrinB2, classified in class 424, subclass 1.

Group XII, claim 71, drawn to a composition of an artificially prepared vessel comprising arterial smooth muscle cell that comprise a recombinant nucleic acid that increases the expression of the endogenous EphrinB2, classified in class 435, subclass 325.

Group XIII, claim 72, drawn to a method of diagnosing the presence of a tumor in a

mammal by detecting the expression of EphrinB2 in blood vessels of the mammal, classified in class 435, subclass 6.

Applicants traverse this restriction in its entirety on grounds that a search encompassing all thirteen groups would not be significantly more arduous than a search of any one group alone.

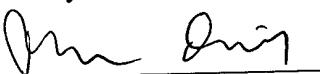
In particular, Applicants contend that groups IV and V are so related that a search of one of these two groups would, of necessity, constitute a nearly complete search of the other group. Applicants note that as originally filed, the sole claim of group V is dependent on a claim of group IV.

Accordingly, Applicants request rejoinder of all groups. Should the Examiner refuse to take this action, Applicants request rejoinder of and examination of groups IV and V. As amended, claims 32-38 and 40 fall within the Examiner's definition of Group IV, and claims 39 and 73-86 fall within group V. Accordingly, Applicants request that claims 32-40 and 73-86 be examined as a single group. Should the Examiner refuse to rejoin groups IV and V, Applicants elect, with traverse, group V, claims 38 and 73-86.

This response is accompanied by a request for a one month extension of time. The extension fee and any other fee that may be due should be charged to our Deposit Account No. 18-1945, under Order No. CTCH-P01-007 from which the undersigned is authorized to draw.

Dated: October 1, 2003

Respectfully submitted,

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